AUG 22 1975

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Special Counsel for Intelligence
Coordination

out 8/22

Mary C. Lawton
Deputy Assistant Attorney General
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Proposed procedures to be followed with regard to Senate Select Committee Requests for materials pertaining to the activities of Dr. Martin Luther King, Jr.

Mr. Scalia discussed this matter with me briefly before leaving on vacation and asked that I respond to your memorandum of August 11, 1975 concerning the revised proposal on disclosure of materials relating to Dr. King.

In response to your specific question on possible Department waiver of rights to object to the legal standing of either the King family or estate to prevent transmittal of materials to the Select Committee, it would seem advisable to include in any agreement signed by the Department a disclaimer of any intent to waive similar to the disclaimer included for Mr. Wachtel in paragraph 5 b. Without such an express provision the Department would probably be required to litigate the question of waiver regardless of the ultimate outcome on the merits.

We defer to you with respect to the desirability of signing the agreement at all. We note that the Department is under no legal obligation to agree to these terms. The Privacy Act of 1974, P.L. 93-579, were it in full effect at this time would not prevent the disclosure of such material to a duly authorized

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congressional committee or recognize a right in the individual to block such disclosure. 5 U.S.C. 552a(b)(9). On the other hand, we know of no legal obstacle to the Department entering into such an agreement should it desire to do so.